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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,941	12/19/2001	Christian L. Marquez	39-0024	2591

7590

06/09/2003

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EXAMINER

STRECKER, GERARD R

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/027,941

Applicant(s)  
Marquez et al.

Examiner  
Gerard Strecker

Art Unit  
2862



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Dec 19, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: At page 5, line 17, the language, "in perspective view Figs. 1 and 2 and is cross-section in Figs. 3 and 4" is awkward. In the description of flange 80, beginning at page 7, line 18, there is no mention of the number 86 shown in Fig. 3.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boger et al.

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With respect to apparatus claim 14, Boger et al discloses (Fig. 3) a photonics package including: a housing including spaced front (30) and back (unnumbered) walls; a photosensitive element (12) mounted within a cavity of the housing; a fiber adjustment window 28 through said front wall opposite said photosensitive element; a fiber optic assembly including an optical fiber 20 and a cylindrical flange 34 receiving said optical fiber, said flange being laterally adjustable and secured to said front wall to locate said optical fiber in said fiber adjustment window and to align an end portion of said optical fiber with said photosensitive element (see col. 3, lines 50-56).

With respect to claim 16, the fiber optic assembly of Boger et al further includes a ferrule 24 secured to the flange and coaxial with and surrounding the fiber. The fiber is soldered within the ferrule. Although the photosensitive element 12 is not mounted on the back wall of the housing of Boger et al but at an intermediate position between the front and back wall, it would have been obvious to one skilled in the art to mount the photosensitive element on the back wall of the housing, to reduce the space required to mount the element, to enable the rf feed through 80 and connector 82 to be coupled in line through the back wall, and to accommodate different housing configurations.

Further, with respect to claims 15 and 16, although the flange of Boger et al is adjustably secured to the front wall of the housing by laser welding, it would have been obvious to employ any other well known means, including a settable material such as solder. Such would be motivated by the flexibility and convenience provided by the use of solder in adjusting the alignment and elimination of the cost of laser welding.

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With respect to process claims 1-13, the steps recited therein would be performed in the assembly of the photonics package of Boger et al as modified above.

Claims 1-14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (6,524,018).

With respect to claims 14, 15 and 17, Wang et al disclose (Figs. 3 and 4) a photonics package including: a housing 14 including spaced front and back walls; a photosensitive element (LD or LED of light source 12) mounted on said back wall within the housing; a fiber adjustment window (aperture 22) through said front wall opposite said photosensitive element; and a fiber optic assembly including an optical fiber, a ferrule 36 coaxial with and surrounding said optical fiber, and a cylindrical flange (28, 30), said flange being laterally adjustable and secured to said front wall to locate said optical fiber in said fiber adjustment window and to align an end portion of said optical fiber with said photosensitive element, said ferrule being secured to said cylindrical flange to position said optical fiber longitudinally with respect to said photosensitive element. The flange is adjustably secured to said front wall by a settable material (epoxy). See col. 3, lines 20-41. As indicated above, the front wall is the wall in which aperture 22 is defined. The back wall would be the rear portion of light source 12, or an end closure (not shown) for housing 14, which would typically be provided to protect the light source.

The steps of process claims 1-13 would be carried out in the process of assembling the photonics package of Wang et al.

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Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falkenstein et al (4,707,066).

With respect to apparatus claims 14-17, Falkenstein et al discloses (Figs. 1, 2) a photonics package including: a housing (G, K) including spaced front and back walls; a photosensitive element D mounted within the housing; a fiber adjustment window W through said front wall opposite said photosensitive element; a fiber optic assembly including an optical fiber (S/L) and a cylindrical flange T, said flange being laterally adjustable and secured to said front wall to locate said optical fiber in said fiber adjustment window and to align an end portion of said optical fiber with said photosensitive element. As recited in claims 15, 16, the flange T is adjustably secured to the front wall by solder (col. 6, lines 27-38). The fiber optic assembly further includes (claim 17) a ferrule (tube R) coaxial with and surrounding the optical fiber, said ferrule being secured (by soldering, col. 6, lines 27-30) to said cylindrical flange to position said optical fiber longitudinally with respect to said photosensitive element. As noted at col. 9, lines 17-20, the optical fiber may also be soldered to the ferrule R.

Although the photosensitive element of Falkenstein et al is not mounted on the back wall of the housing, mounting of the photosensitive element on the back wall of a photonics package housing is accepted practice in the art and it would have been obvious to one skilled in the art to mount the photosensitive element of Falkenstein et al in such manner, to conserve housing space, to provide a more compact package, and to provide connector access through the back wall.

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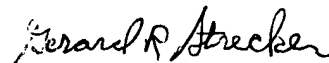
The steps of process claims 1-13 would be carried out in the fabrication of the photonics package of Falskenstein et al as modified above.

Mackenzie and Goodfellow et al are made of record to show photonics packages having photosensitive elements on a back wall of a housing opposite a front wall window.

Any inquiry concerning this communication should be directed to G. R. Strecker at telephone number 305-4937.

Strecker/ek

06/05/03



GERARD R. STRECKER  
PRIMARY EXAMINER